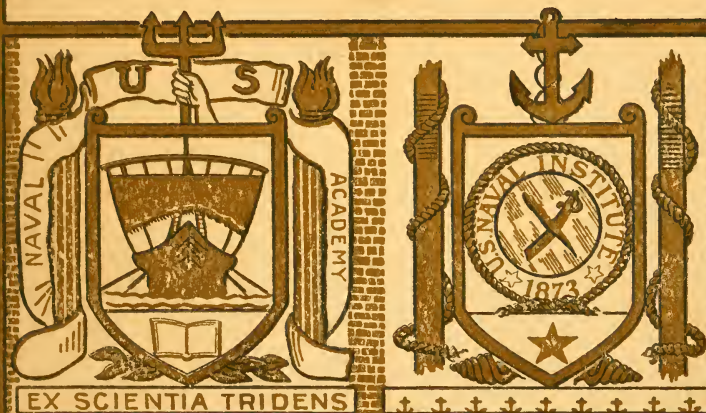


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By CHARLES OSCAR PAULLIN.



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THE ADMINISTRATION OF THE MASSACHUSETTS
AND VIRGINIA NAVIES OF THE AMERICAN
REVOLUTION.

By CHARLES OSCAR PAULLIN.

With the exception of New Jersey and Delaware each of the thirteen original states during the Revolution owned one or more armed vessels. Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, and South Carolina had the largest fleets. New Hampshire with its one ship and Georgia with its four galleys just escaped being in the same class with New Jersey and Delaware. The navies of Rhode Island, New York, and North Carolina were small. The navy of no one state was so large as that of Congress. The total number of state craft, however, greatly exceeded the number of vessels in the Continental navy. The state vessels on the average were smaller and not so well armed as the Continental vessels. The states generally had less means for naval purposes at their disposal than had Congress, and were therefore not so well able to build large vessels. Then, too, the chief need of each state for a navy was to defend its seaports, coasts, and trade. For such services small craft adapted for running in and out of shallow harbors, rivers, and bays, were demanded. The states, therefore, provided themselves with armed boats of various sizes, galleys with and without sails, half-galleys, floating batteries, barges, and fire-ships. Besides such vessels as these most of the states had a few larger and stouter sailing craft, mounting generally from ten to twenty guns and fairly well fitted for deep-sea navigation. The one state whose deep-sea exceeded its inshore craft was Massachusetts.

The history of naval administration in the several states possesses some common features. It will be recalled that in most of the states the provincial government about the year 1775 was superseded by a revolutionary government, and this in turn about a year later was succeeded by a permanent state government. The revolutionary government consisted of a legislative body, or Provincial Congress, and of an executive body, or Committee of Safety. The permanent state government consisted of a Legislature of one or two Houses and an Executive, which was either a Council, or a Governor and Council. The initial naval administration in the states usually fell to the Committee of Safety, or Revolutionary Executive, which upon the change to a permanent state government bequeathed its naval duties to the Council or to the Governor and Council. In most of the states the details of naval administration were at some time during the Revolution lodged with an Executive Board. In some states there were separate boards for naval and military affairs; in others, one board performed both functions.

The history of naval administration in the states falls into two periods, one embracing the years from 1775 to 1778, the other the years from 1779 to 1783. In the first period each state procured a naval armament, as a rule for the general purpose of providing a naval defence, and not to meet some specific call for armed vessels. By 1779 the first naval craft had been largely captured, destroyed, or sold; and often the first machinery of naval administration had been in large part removed. In response to special needs for armed vessels, calls for which came most often from those who were suffering from the ravages of the British fleets, the states now procured additional vessels, and often devised new administrative machinery to manage them.

In defensive warfare the problem in each state was to provide for the defence of its ports, trade, coasts, and shipping. The offensive warfare of the state navies, which was quite secondary in importance, consisted chiefly of commerce-destroying, conducted along the great ocean-paths of British trade. The principal problem here was for the American vessels in leaving home ports and in returning with their prizes to elude the British vessels, which hovered along the American coast, especially at the mouths of the Chesapeake, Delaware, and Narragansett bays. It is always to be remembered that in all the states the privateers

Gift

Author

(Person)

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exceeded the state craft, which were often insignificant in comparison.

The reader will recall that in June, 1775, the battle of Bunker Hill was fought, a British army occupied Boston, and British vessels sailed the New England seas with little or no opposition. These vessels had already committed depredations and "piracies" upon the coasts and trade of Massachusetts, and were obstructing the importation of ammunition and provisions for the Continental army. It was under these circumstances that Massachusetts took her first step towards procuring a naval armament. On June 7, her Third Provincial Congress appointed a committee of nine "to consider the expediency of establishing a number of small armed vessels, to cruise on our seacoasts, for the protection of our trade, and the annoyance of our enemies." The Provincial Congress, which moved very cautiously, enjoined secrecy on the committee. On June 10, three additional members were added to the committee; but later in the day a new committee consisting of seven members was apparently substituted for the old one. On June 12, the committee "appointed to consider the expediency of establishing a number of armed vessels" made a report which provided for the fitting out of not less than six vessels, to mount eight to fourteen carriage guns, and to cruise under the orders of the Committee of Safety—the chief executive organ of the Provincial Congress, consisting of nine members, three of whom were from Boston. This report came up several times between June 12 and June 20. Finally on the latter date "the matter was ordered to subside."¹ The Battle of Bunker Hill, which was fought on June 17, may have had something to do with this action of the Provincial Congress.

On July 19, 1775, the Revolutionary Government in Massachusetts was superseded by a permanent government consisting of a House of Representatives and a Council of eighteen members elected by the House; the two houses were called the General Court. The continued depredations of the British now caused several endangered ports to ask the General Court to provide

¹ Journals of Third Provincial Congress of Massachusetts, June 7, June 10, June 11, June 12, June 13, June 16, June 19, and June 20, 1775. All references to the state records of Massachusetts refer to the manuscripts or early printed copies to be found in the State Library or State Archives at Boston.

them with a naval defence. The part of Massachusetts which during the Revolution was most exposed to the attacks of the British, and which was most troublesome to defend, was the coast of Maine, then often referred to as the Eastern Coast. In August, 1775, a petition came to the General Court from Machias, a town situated on the Maine coast a few miles west of the present Eastport, asking that commissions be granted to officers and men on board two armed vessels which citizens of Machias had fitted out for the defence of their town. In response the General Court took into the service of the state the sloop *Machias Liberty* and the schooner *Diligent*.² Jeremiah O'Brian, one of the men who had signed the petition, was commissioned by the Council commander-in-chief of the two vessels, and he was directed to enlist a number of men, not to exceed thirty, for each vessel. The *Machias Liberty* and the *Diligent* were in the service of the state until October, 1776, when they were discharged. About the first of October, 1775, Salem and Newburyport each asked the General Court for naval aid similar to that granted to Machias, but did not receive it.³

The General Court of Massachusetts next turned its attention to privateering. The acts of the states on this head fall into two general classes; those which in terms established state privateering, and those which adopted Continental privateering or accommodated state laws to the same. After the first half of 1776 all the states used Continental commissions and bonds. Massachusetts, moving in this matter before Congress, necessarily established state privateering. On September 28, 1775, her House of Representatives, having such establishment in view, appointed a committee of seven to consider the "Expediency of fitting out a Number of Armed Vessels." On October 9, this committee reported 'in favor of instituting privateering and a prize court to try cases of capture. On October 14 a bill embodying the committee's recommendations was introduced. It now passed slowly through the legislative mill, and on November 1, it became a law.⁴

² Journals of Massachusetts House of Representatives, August 21, 1775. O'Brian's name is found spelled in various ways.

³ Journals of Massachusetts House of Representatives, September 29, October 2, October 4, 1775; Records of General Court of Massachusetts, October 4, 1775.

⁴ Journals of Massachusetts House of Representatives, September 28, October 6, 9, 14, 17, 18, 19, 27, November 1, 1775.

John Adams once referred to this statute of Massachusetts as one of the most important documents in the history of the Revolution. Its preamble was the work of Elbridge Gerry, and the body of the law was drafted by James Sullivan, many years later Governor of Massachusetts.⁵ Gerry stated the sanctions for the law. These he found in the arbitrary and sanguinary acts of Great Britain, in the charter of Massachusetts granted by King William and Queen Mary, and lastly in the resolution of the Continental Congress of July 18, 1775, recommending each colony to provide by armed vessels or otherwise for the protection of its harbors and navigation.

The Massachusetts law provided that all vessels convicted of making unlawful invasions or attacks on the seacoasts or navigation of any part of America should be forfeited. The Council was authorized to grant letters of marque and reprisal to masters and owners of vessels upon their entering into bond to faithfully discharge the duties of their office and to observe the naval laws of the colony. Three admiralty districts embracing the counties on the Massachusetts seacoast were established. The Southern district, with the seat of its court at Plymouth, embraced Plymouth county and the counties to the southward; the Middle district, with the seat of its court at Ipswich, embraced the counties of Suffolk, Middlesex and Essex and extended from Plymouth county to New Hampshire; and the Eastern district, with the seat of its court at North Yarmouth, embraced the seacoast counties of Maine. The form of procedure in these courts was fixed for both captured and recaptured vessels. In the latter case salvage was to be from one-third to one-fourth of the selling price of the vessel. The facts in prize cases were to be tried by twelve good and lawful men. At this time the people of Massachusetts were so enraged at the judges of the former Provincial admiralty court that they would have universally condemned the trying of facts in prize cases by judges.⁶

The Council soon appointed three judges of admiralty, Nathan Cushing for the Southern district, Timothy Pickering for the Middle district, and James Sullivan for the Eastern district. Elbridge Gerry declined the judgeship for the Middle district.

⁵ Austin's Gerry, I, 94-95; Works of John Adams, X, 37.

⁶ Amory's Sullivan, II, 378-79, James Sullivan to Gerry, December 25, 1779.

After trying about one hundred and fifty prize cases Pickering, in June, 1777, resigned and was succeeded by Nathan Cushing, who now served as judge in both the Southern and Middle districts.⁷ Comparatively few cases were tried in the Southern and Eastern districts. Timothy Langdon was for a long time judge of the Eastern district.

During the fall of 1775 the General Court took no steps towards establishing a state navy. It was at this time assisting Washington in obtaining and arming vessels for the Continental military service around Boston. Early in December the House of Representatives, acting on a recommendation contained in a letter from John Adams at Philadelphia, resolved to obtain statistics on the number of officers, seamen, and vessels, suitable for naval purposes, in the seaports of Massachusetts. On December 29 the Council declared for a navy by passing the following resolution: "Whereas several of the United Colonies have of late thought it expedient and necessary to fit out armed Vessels for the Defence of American Liberty, and it appears to this Court necessary that Measures be taken by this Colony for our further Protection by Sea: Therefore, Resolved, that John Adams and Joseph Palmer, Esqurs. with such as the Hon. House shall join be a committee for fitting out one or more Vessels for the Defence of American Liberty."⁸

The House at once appointed its members of the committee, which on January 12, 1776, made a report favorable to the establishment of a navy.⁹ Accordingly, on February 7, a resolution passed the General Court to build ten sloops of war, of 110 or 115 tons burden, each, suitable for carrying fourteen to sixteen carriage guns, 6-pounders and 4-pounders. A joint committee of the two houses was appointed to build the vessels, and £10,000 was voted for this purpose.¹⁰ On the 16th the committee was

⁷ Records of Massachusetts Council, November 14, December 9, December 12, 1775; Pickering's Pickering, I, 79-80; Amory's Sullivan, I, 63.

⁸ Records of General Court of Massachusetts, December 29, 1775.

⁹ Journals of Massachusetts House of Representatives, January 12, 1776. On January 11 the Council resolved that two ships, one of 36, and the other of 32 guns, should be built. On the same day both House and Council voted to recommit the resolution in order that the committee which prepared it might report on the expense to be incurred in building and fitting the two ships. It does not appear that further action was taken.—Records of Massachusetts Council, January 11, 1776.

¹⁰ Ibid., February 6, 1776; Journals of Council, February 7, 1776.

authorized to contract for the building of only five vessels, until there was a prospect of procuring materials for ten; it was authorized to buy five vessels if it thought it best.¹¹ By July, 1776, the sloop *Tyrannicide* built at Salisbury, the brigantine *Rising Empire* built at Dartmouth, and the brigantine *Independence* built at Kingston were ready for sea; and by September the sloops *Republic* and *Freedom* built at Swanzy, and the *Massachusetts* built at Salisbury were completed.

Meanwhile the General Court had prepared and adopted the legislation necessary to establish a navy. It had drafted proper naval forms; and it had appointed a number of naval officers. A partial pay-table was established on February 8.¹² This on April 12 was succeeded by a new one, which generally raised wages, and which provided for a number of new offices. A captain was now to receive a monthly wage of £8; a first lieutenant, £5 8s.; a second lieutenant, £5; a master, £4; a mate, £3; a surgeon, £7; and an ordinary seaman, £2. Each vessel was to be provided with 115 officers and seamen. No better proof of the rawness of the naval service is needed than the regulation that recruits, whether officers, seamen, or marines should furnish themselves with "a good effective Fire Arm, Cartouch-Box, Cutlass, and Blanket." The captains were ordered to recommend to the Council a list of inferior officers and to enlist the proposed number of seamen and marines. Captors were given one-third of the proceeds of prizes.¹³

On April 27, 1776, the General Court fixed the respective shares of the proceeds of prizes for officers and seamen: a captain was to receive six shares, and "all the Cabbin Furniture;" a first lieutenant, five shares; a drummer, one and one-fourth shares; a seaman, one share; and a boy, one-half a share.¹⁴ On April 29, in order to encourage enlistment, an advance of one month's wages was voted to recruits. On the same day it was decided that "the Uniform of Officers be Green and White, and that the Colours be a white Flagg, with a green Pine Tree, and an Inscription, 'Appeal to Heaven.'"¹⁵ On July 26 the Council appointed a

¹¹ Journals of Massachusetts House of Representatives, February 16, 1776.

¹² Ibid., February 7, 1776; Records of Massachusetts Council, February 8, 1776.

¹³ Journals of Massachusetts House of Representatives, April 12, 1776.

¹⁴ Ibid., April 27, 1776.

¹⁵ Ibid., April 29, 1776; Records of Massachusetts Council, April 29, 1776.

prize agent in each of the three admiralty districts, whose duty it was to represent the state in receiving, trying, and selling prizes.¹⁶ At times the prize agents assisted in fitting out vessels.

During the first half of 1776 the law of November 1, 1775, establishing privateering was three times amended and re-modelled.¹⁷ The law was thereby accommodated to the resolutions of the Continental Congress fixing the kinds of property subject to capture, and the respective shares of captors and recaptors. Doubts which had arisen as to the proper construction of the original act were now removed. The procedure before admiralty courts was made more specific. In cases of captures made by Continental vessels, appeals were permitted from state admiralty courts to the Continental Congress; in all other cases appeals were allowed to the superior state courts. In each of the three admiralty districts in Massachusetts additional towns were named where court might be held. The towns named for the Middle district were Boston, Salem, Ipswich, and Newburyport.

During the summer and fall of 1776 the instructions and orders to the captains of the armed vessels were issued to them by the Council, having been previously prepared by a committee. The following instructions which were drafted by Thomas Cushing and Daniel Hopkins were given to Captain John Fisk, and will suffice as a sample of such documents:

"The Brigantine *Tyrannicide* under your Command being properly Armed and Man'd and in other respects fitted for a Cruize you are hereby Ordered and directed immediately to proceed to Sea and Use your utmost Endeavours to protect the Sea Coast and Trade of the United States and you are also directed to exert yourself in making Captures of all Ships and other Vessels Goods Wares and Merchandise belonging to the King of Great Britain or any of his subjects wherever residing excepting only the Ships and Goods of the Inhabitants of Bermuda and the Bahama Islands—You are directed not to Cruize further Southward than Latitude Twelve North nor farther East than Longitude Nine Degrees West from London nor farther West than the Shoals of Nantucket. At all times using necessary precautions to prevent your Vessel from falling into the hands of the Enemy."

¹⁶ Records of Massachusetts Council, July 26, 1776.

¹⁷ Laws of Massachusetts, February 14, April 13, May 8, 1776.

"And Whereas you have received a Commission authorizing you to make Captures aforesaid and a set of Instructions have been delivered you for regulating your Conduct in that matter; these Instructions you are Hereby directed diligently to attend to, and if you are so fortunate as to make any Captures you are to Order them to make the first safe Harbor within the United States.—and you are furthered Ordered not to expend your Ammunition unnecessarily and only in time of Action or firing Alarm or Signal guns."¹⁸

Until October, 1776, the Massachusetts navy was administered by the General Court, committees of its members, the Council, and naval agents. The General Court for the period of its recess in May, 1776, placed the armed vessels in the charge of "the committee for fortifying the harbor of Boston." By the fall of 1776 it realized that "secrecy, dispatch, and economy in conducting the war" demanded a special executive department. Accordingly, on October 26 it established a Board of War consisting of nine members, any five of whom constituted a quorum. The Board of War was "empowered to Order and Direct the Operations of the Forces in the Pay of this State, both by sea and land, by giving the Commanders of the Troops, Garrisons, and Vessels of War, such Orders for their Conduct and Cruizes from time to time as they shall think proper."¹⁹ It organized by electing a president and secretary; and it rented permanent quarters near the State House in Boston. In December, 1776, James Warren, later Commissioner for the Continental Navy Board at Boston, was president of the Board of War. Philip Henry Savage was for a long time its president. Savage presided at the meeting in 1773 at Old South Church which decided that the tea should not be landed.²⁰ The Board of War entered upon its work with vigor in November, 1776. It was yearly renewed, until it was dissolved in February, 1781.

The principal business of the Board of War was the administration of the naval, commercial, and military affairs of the state. Its naval and commercial duties were quite engrossing. The

¹⁸ Records of Massachusetts Council, October 29, 1776. The naval documents introduced into the narrative on the Massachusetts navy are typical of similar ones in other states.

¹⁹ Resolves of Massachusetts, October 26, 1776.

²⁰ Winsor's Memorial History of Boston, II, 543.

Board kept fairly distinct the activities of its "armed" and "trading" vessels. It is true that the armed vessels were now and then sent on commercial errands, or combined in a single voyage naval and trading duties. The sloop *Republic* used for a short time as a naval vessel was taken into the commercial service. The Massachusetts Archives contain a list of thirty-two trading vessels owned or chartered by the Board of War.²¹ These vessels visited Nantes, Bilbao, Martinique, Guadaloupe, St. Eustatius, Cape Francois, Baltimore, and the ports of North and South Carolina. They carried as staple exports, fish, lumber, and New England rum. As a rule the work of the Board of War in looking after its trading vessels exceeded its naval work. At times, as in the case of the Penobscot expedition, the naval duties were the important ones. A week's work of the Board in behalf of its armed vessels shows a curious mixture of orders on the commissary-general for clothing and provisions, and on the state store keeper for naval stores; and of directions to the prize agents, the agents for building armed vessels, and the naval captains. The General Court permitted the Board a fairly free hand in its management of the navy. The Board carried on a considerable correspondence with the commanders of the armed vessels. The following letter written to the Board by Captain John Clouston of the armed sloop *Freedom* on May 23, 1777, from Paimboeuf, France, will illustrate this correspondence from the Captain's side. Clouston's disregard of orthography and punctuation is exceptional even for a Revolutionary officer.

²¹ Massachusetts Revolutionary Archives, XL, 110-111. The influence of the friendly relations existing between the United States and France during the Revolution in the naming of vessels early manifested itself. On December 27, 1776, the Massachusetts Board of War changed the names of a number of its trading vessels as follows: Ships *Julius Caesar* to *Bourbon*, *Venus* to *Versailles*, and *Friend* to *Paris*; brigantines *Charming Sally* to *Penet*, and *Isabella* to *Count D'Estaing*. The brigantine *Penet*, which was named for a French merchant at Nantes, a member of the firm of Pliarne, Penet & Co., agents for the United States, has been sometimes confused with the brigantine *Perch*, which was obtained by Massachusetts in the fall of 1777 for the sole purpose of conveying the news of Burgoyne's surrender to the American Commissioners at Paris. The letters and dispatches were intrusted with Jonathan Loring Austin, secretary to the Board of War, who after a passage of thirty days reached the Commissioners at Passy on December 4, 1777.—Board of War Minutes, December 27, 1776; Hale's *Franklin in France*, I, 155.

"Gentlemen:

I have the pleasure of Informing your Honours by Capt. Fisk of the Massachusetts That on the first Instant I arrived safe in this Port after taking twelve Sail of Englis Vessels Seven of which I despatched for Boston Burnt three gave one smal Brigg to our Prisners and one Retaken by the Futereange which Chast us fore Glasses and finding she Could not Cume up with us she gave Chase to our Prize and tooock her in our sight—I have Cleaned & Refited my Vessel and Taken in forty Tons of War like Stores and have bin waiting for a wind to go this fore days—Capt. Fisk being short of Provisions I have supplied him with foreteen Barels of Pork and Eleven of Beef and have Suffisantse for my Vessel left."²²

In January, 1777, a new sea establishment was effected. Wages were generally raised, no doubt chiefly to meet their decrease caused by the depreciation of the currency. A captain was now to receive a monthly wage of £14 8s.; a lieutenant or a master, £7 4s.; a seaman, £2 8s.; and a boy, £1 4s. The offices established in the Massachusetts navy, while not quite so many, were in general the same as those in the Continental navy. The Massachusetts navy however had the offices of prizemaster, pilot, and boy, which did not occur in the Continental list. Following the regulations of Congress the General Court now gave captors one-half of their captures. The rations for seamen were modelled on the Continental bill of fare.²³ On March 21, 1777, the General Court adopted rules and regulations for its ships of war; and it ordered that they should be read by the commanding officer of a vessel at least once a week. These rules, while briefer than the Continental rules, naturally followed the same general lines. They show either the influence of the Continental rules or of the English rules upon which the Continental rules were based. The following curious rule in part parallels one of the Continental rules.

"And if any Person belonging to either of such Vessels shall be convicted of Theft, Drunkenness, profane Cursing, or Swear-

²² Board of War Letters, Massachusetts Revolutionary Archives, May 23, 1777.

²³ Massachusetts Resolves, January 8, January 24, 1777. On December 6, 1776, six naval offices were established, which included a captain's clerk, prizemaster, and sergeant of marines.

ing, disregarding the Sabbath, or using the Name of God lightly, or profanely, or shall be guilty of quarrelling or fighting, or of any reproachful or provoking Language tending to make Quarrels, or of any turbulent or mutinous Behavior, or if any Person shall sleep upon his Watch, or forsake his Station, or shall in any wise neglect to perform the Duty enjoined him, he shall be punished for any of the said Offences at the Discretion of the commissioned Officers of such Vessel, or the Major Part of them, according to the Nature and Aggravation of the Offence, by sitting in the Stocks, or wearing a wooden Collar about his Neck, not exceeding 4 Hours, nor less than one, or by whipping, not exceeding 12 Lashes, or by being put in Irons for so long Time as the said Officers shall judge the Safety and well being of the Ship and Crew requires, or otherwise shall forfeit to the State not more than six, nor less than two Days Pay for each offence.”²⁴

During every year of the Revolution attempts were made to increase the Massachusetts navy. In the fall of 1777 the brigantine *Hazard* was added. On August 6, 1777, the General Court resolved that, since the armed vessels at the lowest computation had netted the state £55,000, the Board of War should purchase or build two vessels mounting 28 and 32 guns respectively. In January, 1778, it reduced the sizes of these vessels almost one-half; and finally it gave up building them.²⁵ In the spring of 1779 a prize of the *Hazard*, the brigantine *Active*, taken in April off the island of St. Thomas in the West Indies, was purchased.²⁶ In April, 1778, the General Court resolved to build a

²⁴ Massachusetts Resolves, March 21, 1777.

²⁵ Ibid., August 6, 1777; January 17, 1778.

²⁶ The following is an extract from the enlisting contract of the armed brig *Active*, which was signed by officers, seamen, and marines: “And we hereby bind ourselves to Submit to all orders and regulations of the Navy of the United States of North America and this State and faithfully to observe and obey all such orders, and Commands as we shall receive from time to time from our Superior Officers on board or belonging to the said Brig, *Active*, and on board any Such Boats or Vessel or Vessels as foresaid.

“And it is on the part of the State that such persons as by Land or sea shall Loose a Limb in any Engagement with the Enemies of these United States of America or be otherwise so disabled as to be rendered incapable of getting a Lively Hood Shall be entitled to the same Provisions as the disabled Persons in the Continental Service.”—Massachusetts Revolutionary Archives, XL, 20.

frigate of 28 guns which would carry two hundred officers and men.²⁷ This vessel was built at Newburyport and was named the *Protector*. In the fall of 1779 it was nearing completion. The launching of the *Protector*, which was the largest ship in the Massachusetts navy, was a matter of more than usual local interest. Stephen Cross who was in charge of the construction of the frigate wrote a letter to the Board of War in July, 1779, which throws light upon the minor naval duties of the Board. Cross's language is a bit involved, but his meaning is clear; it is hardly necessary to say that the "souring" refers to lemons.

"Gentlemen:

it being customary for the owners of Vessels when they are Launched to give the Workmen something Better than New England Rum to drink & Likewise something to Eat and also all those Persons who attend the Launching Expect to be asked to Drink and Eat something and Especially Publick Vessells it will be Expected that something be Provided and it is my opinion about sixty Galls of West India Rum & sugars for the same & souring if it be had and one Quarter Cask of Wine and A Hamper of ale or Beer together with a Tierce hams Neet Tongs or Corn Beef will be necessary to comply with the Customs in these Cases."²⁸

After August, 1779, when the disaster on the Penobscot occurred the naval duties of the Board of War were slight. For a time the *Protector* was the only vessel in the navy. With the coming in of a new government under a Constitution on October 25, 1780, there was no longer much need for a Board of War. According to the provisions of the new Constitution the Governor was commander-in-chief of the navy; and he was authorized to "train, instruct, exercise, and govern it," and to call it into service in time of war. On February 8, 1781, the Board of War was discontinued, and Caleb Davis, who was appointed Agent of the Commonwealth, succeeded to its ministerial duties.²⁹ The Governor and the Agent now shared the naval duties. The Governor commissioned officers, issued orders to the naval commanders, and was responsible to the General Court; the Agent had

²⁷ Massachusetts Resolves, April 21, 1778.

²⁸ Massachusetts Revolutionary Archives, XLIV, 279.

²⁹ Massachusetts Resolves, February 8, 1781. Three members of the Board of War and two clerks were continued for a few months to settle the accounts of the Board.

direct oversight of the fitting out of vessels, the selling of prizes, and was responsible to the Governor. As the Revolution spent itself the simplification of the administrative machinery of the state continued. On January 1, 1783, the Agent was discontinued. His naval duties fell to the Commissary-General.⁸⁰

During each year from 1780 to 1783 the General Court made one or more attempts to increase the naval force of the state. It was spurred to action by the ravages of the British cruisers on the Eastern Coast. On March 21, 1780, two armed vessels mounting not less than ten or more than fourteen 4's or 6's were ordered. The expense incurred was to be met by the sale of the "Rising Empire" and of the confiscated estates of Loyalists, and from rents of the property of absentees. On March 6, 1781, the Agent was directed to obtain a small vessel of eight to twelve guns to serve as a tender for the *Mars*; and on April 23 he was ordered to procure by hire or purchase two small craft to be employed as "guarda costa." On November 12, 1782, a committee was appointed to purchase a vessel of twelve or sixteen guns to be used in protecting the coast. On March 26, 1783, the Commissary-General was ordered to obtain a small vessel and a whale-boat to cruise against the enemy in Casco Bay and along the Eastern Shore.⁸¹ As the result of these resolutions four armed vessels were added to the navy; in the spring of 1780 the *Mars*; in the summer of 1781, the *Defence*; in the winter of 1781-1782, the *Tartar*, which was built by the state; and in the spring of 1782, the *Winthrop*.

Private naval enterprise throughout the Revolution was exceedingly active in Massachusetts. In 1775, some months before the General Court granted letters of marque, Massachusetts citizens unauthorized were capturing the vessels of the enemy. Scarcely a fortnight after the battles of Lexington and Concord men from New Bedford and Dartmouth fitted out a vessel and attacked and cut out from a harbor in Martha's Vineyard a prize of the British sloop-of-war *Falcon*, 16. This act was called forth by the captures which the *Falcon* had made from the people of Buzzard's Bay. On June 12, 1775, the inhabitants of Machias, Maine, had captured the King's sloop *Margaretta*, Lieutenant Moore, after mortally wounding the commander and inflicting a

⁸⁰ Ibid., October 4, 1782.

⁸¹ Massachusetts Resolves, March 21, 1780; February 19, March 6, April 23, 1781; November 12, 1782; March 26, 1783.

loss of fourteen men. Still other British vessels were captured off the coast of Maine during the summer of 1775.³²

With the act of November 1, 1775, granting the Council the power to issue letters of marque and reprisal, all such private enterprises as the above when done under the authority of a commission were legal. It does not appear however that Massachusetts granted many commissions until the second half of 1776. In 1777 she granted 96 commissions. The best year was 1779 when she issued 222 commissions; the year 1781 with 216 commissions was not far behind. The total number of commissions issued by Massachusetts for the years 1777 to 1783 was 998.³³ In 1779 one hundred and eighty-four prizes captured by privateers were libelled in the Massachusetts prize courts.³⁴ The privateering industry in this year was very active. The following is an extract from a letter dated May 16, 1779, written from a Massachusetts seaport:

"Privateering was never more in vogue than at present; two or three privateers sail every week from this port, and men seem as plenty as grasshoppers in the field; no vessel being detained an hour for want of them. We have near 1,000 prisoners on board the guard-ships in Boston, and a great balance due us from the enemy. Cruisers from New York, &c are daily brought in, and often by vessels of inferior force; our privateers-men being as confident of victory, when upon an equal footing with the English, as these were of gaining it of the French in the last war."³⁵

The rivalry between the state service and privateers for seamen was exceedingly active. In 1779 the Council recommended that some effectual measures be taken to prevent the owners of private ships of war and merchantmen from seducing seamen away that were engaged in the public service. It declared that proper encouragement must be given to state officers and seamen, and that commanders must have the aid of the government in manning their vessels, "or they will lie by the Walls and so be of little or

³² Winsor, *Narrative and Critical History*, VI, 564; Maclay, *History of American Privateering*, 52-60.

³³ Massachusetts Revolutionary Archives. The total number of privateering commissions always exceeds the total number of vessels, as the same vessels were often commissioned two or more times.

³⁴ Boston Gazette for 1779.

³⁵ Virginia Gazette, June 19, 1779.

no service.”⁸⁶ In 1778 the General Court found some difficulty in securing commanders.

The movements of the armed vessels of the Massachusetts navy were quite similar to the movements of the naval vessels of Congress.⁸⁷ The smaller fleet like the larger cruised in European waters, in the region of the West Indies, and to the eastward of the Bermudas in the path of the richly-laden West Indiamen. The Massachusetts vessels, however, cruised more frequently nearer home. About the first of June, 1779, the *Hazard* and *Tyrannicide* were in the region of Nantucket. After 1779 the vessels were frequently ordered to protect the Eastern Coast. In the spring of 1777 the *Tyrannicide*, Captain Jonathan Haraden, *Massachusetts*, Captain John Fisk, and *Freedom*, Captain John Clouston, cruised eastward as far as the coasts of France and Spain, capturing some twenty-five prizes, many of which however were recaptured by the British.⁸⁸ This was a most fortunate ven-

⁸⁶ Journals of House of Representatives, January 6, 1779.

⁸⁷ The vessels in the Massachusetts navy with the approximate periods of their service was as follows: Sloop, *Machias Liberty*, 1775-1776; schooner, *Diligent*, 1775-1776; brigantine (at first a sloop), *Tyrannicide*, 1776-1779; brigantine, *Rising Empire*, 1776-1777; brigantine, *Independence*, 1776-1777; sloop, *Republic*, 1776-1777; sloop, *Freedom*, 1776-1777; brigantine, *Massachusetts*, 1776-1778; brigantine, *Hazard*, 1777-1779; brigantine, *Active*, 1779; frigate, *Protector*, 1779-1781; ship, *Mars*, 1780-1781; sloop, *Defence*, 1781; ship, *Tartar*, 1782-1783; sloop, *Winthrop*, 1782-1783; and galley, *Lincoln*, 1779-1781. Most of these vessels mounted from ten to twenty guns, 4's and 6's. The only larger vessel was the *Protector*, 26. Vessels such as the *Tyrannicide*, *Hazard*, and *Winthrop* carried about 125 officers and men. The following captains were the chief officers in the Massachusetts navy: Jeremiah O'Brian, John Lambert, John Fisk, John Foster Williams, John Clouston, Jonathan Haraden, Daniel Souther, Simeon Samson, Richard Welden, Allen Hallet, James Nevens, John Cathcart, and George Little. Massachusetts did not establish the rank of commodore.

⁸⁸ These three vessels captured the four prizes mentioned in the following advertisement which appeared in the Continental Journal and Weekly Advertiser for July 3, 1777, a paper published at Boston. The advertisement is introduced here to illustrate the final disposition of prize vessels:

To be sold by Public Auction at eleven o'clock on Wednesday the 23d of July instant at Mr. Tileston's wharf in Boston, the following prizes with their appurtenances.

The Ship *Lonsdale*, about 250 tons. Brig *Penelope*, about 130 tons.

Brig *Britannia*, about 140 tons. Scow *Sally*, about 180 tons.

The above prizes lay at Tileston's wharf. They are all good vessels and well found. Inventories to be seen at the sheriff's office Cornhill, and at the place of sale.

W. GREENLEAF, Sheriff.

ture, for all told one can not now count more than seventy prizes captured by the Massachusetts navy. In the summer of 1780 the Board of War turned over the *Mars*, Captain Simeon Samson, to the Massachusetts Committee for Foreign Affairs which sent her to France and Holland for supplies.

The state vessels were at times joined in cruises with privateers or with Continental vessels; and enterprises were concerted with all three classes of armed craft. In April, 1777, the state took into its service for a month nine privateers, mounting 130 guns, and carrying 1,030 men, to cruise with the Continental frigates *Hancock* and *Boston* after the British frigate *Milford* which had been especially annoying and destructive to the trade of the state.³⁹ In February, 1781, the *Protector* was cruising with the Continental frigate *Deane* thirty leagues windward of Antigua. In March, 1781, the Admiral of the French fleet at Newport was requested to send two French ships to cruise with the *Mars* on the Eastern Shore; and a bounty was offered to privateers who would cruise against the "worthless banditti" in that region.⁴⁰

The capture of a prize often amounted to little more than the chasing of a merchantman and the firing of a few shots as a signal for surrender. At times, however, when the merchantman was armed or when the enemy's vessel happened to be a privateer the action was more serious. One of the most severe single engagements in which a Massachusetts vessel was concerned was that between the *Protector* 26, Captain John Foster Williams, and the privateer frigate *Admiral Duff* 32, Captain Stranger. It took place on June 9, 1780, in latitude 42° N. and longitude 47° W. The engagement was heavy for an hour and a half when the *Admiral Duff*, having caught fire, blew up, all on board being lost except fifty-five men who were picked up by the *Protector*. The American vessel lost six men.⁴¹ The following brief account of one of these minor engagements told in the simple and direct language of the Massachusetts captain who took part in it is taken from a letter of Captain Allen Hallet to the Board of War, which is dated at sea on board the *Tyrannicide*, latitude 28° N., longitude 68° W., March 31, 1779. This graphic account shows with

³⁹ Massachusetts Resolves, April 26, 1777; Massachusetts Revolutionary Archives, XL, 29, 55.

⁴⁰ Massachusetts Resolves, March 2, 1781.

⁴¹ Massachusetts Gazette, July 24, 1780.

clearness the character of the minor engagements of the Revolution.

"I have the pleasure of sending this to you by Mr. John Blanch who goes prizemaster of my Prize, the Privateer Brig *Revenge*, lately commanded by Capt. Robert Fendall belonging to Grenada, but last from Jamaica, mounting 14 Carriage Guns, 6 & 4 pounders, 4 swivels & 2 Cohorns, & sixty ablebodied Men, which I took after a very smart & Bloody Engagement, in which they had 8 men killed & fourteen wounded, the Vessell cut very much to pieces by my Shott, so that they had no command of her at all—amongst the killed was the 1st Lieut. & one Quarter Mr.—amongst the wounded is the Capt. 2nd. Lieut. & Gunner—I captured her as follows: on the 29 Inst. at 4 PM. I made her about 4 leagues to windward coming down upon us, upon which I cleared the Ship and got all hands to Quarter, ready for an Engagement, I stood close upon the Wind waiting for her, about half past six PM. she came up with me, and hailed me, ask'd me where I was from, I told them I was from Boston & asked where they were from, they said from Jamaica & that they were a British Cruizer, I immediately told them I was an American Cruizer, upon which they ordered me to Strike, & seeing I did not intend to gratify their desires, they rang'd up under my Lee & gave me a Broadside, I immediately return'd the Compliment & dropping a Stern, I got under their Lee and then pour'd our Broad sides into her from below and out of the Tops, so fast & so well directed that in one hour & a Quarter we dismantled two of her Guns & drove them from their Quarter & compell'd them to Strike their Colors, during the whole Engagement we were not at any one time more than half Pistol Shott distant & some part of the Time our Yards were lock'd with theirs—I had Eight men wounded only two of which are Bad—amongst the wounded are my first Lieut. & Master, I intended to man her and keep her as a Consort during the Cruize, but having twenty wounded Men on board, of my own men & prisoners I thought it Best to send her home, with all the wounded men on board under the Care of the Surgeons Mate."⁴²

By far the largest naval undertaking of the Revolution made by the Americans was the Penobscot Expedition. Until 1779

⁴² Massachusetts Revolutionary Archives, XLIV, 408.

the general policy of those who managed the fleet of Massachusetts was to send its vessels cruising against the British transports, merchantmen, and small privateers, leaving the coast to be defended by the seacoast establishment and by local forces. In August, 1777, the Council agreed with this policy for it then spoke of the Continental vessels, the state vessels, and the privateers as "imporper" to be employed in clearing the coasts of these "vermin."⁴³ In April, 1779, it disapproved this policy. It now in a message to the House submitted whether, instead of sending the armed vessels of the state on long cruises after prizes, it would not have been vastly more to the advantage and profit of the state to have employed them cruising on the coast of Massachusetts for the protection of trade and the defence of harbors and seacoasts, "which have been left in such an unguarded and defenceless Situation that where we have taken one Vessel of the Enemy their small privateers out of New York have taken ten from us."⁴⁴ It would seem that the Board of War was right in employing its fleet in prize-getting rather than in defensive warfare. The capturing of small privateers and merchantmen were the only enterprises for which the Revolutionary fleets were adapted. Those vessels that cruised continually near the American coast sooner or later fell foul of the stouter and better armed ships of the enemy. The Board of War, had it not responded to the commercial spirit of the times, would have been compelled to adopt the methods of the privateers, did it wish to succeed in its competition with them for seamen.

During the first half of 1779 the British vessels were very destructive to the trade and shipping of Massachusetts and New Hampshire. On June 9, 1779, eight hundred of the enemy, encouraged by certain Tories in Maine, effected a lodgement on the Maine coast at a place called Bagaduce, now Castine, near the mouth of the Penobscot river.⁴⁵ This made a fine vantage-point

⁴³ Ibid., 268.

⁴⁴ Journals of Massachusetts House of Representatives, April 7, 1779.

⁴⁵ Amory's Sullivan, II, 376-78, James Sullivan to John Sullivan, August 30, 1779. James Sullivan says that the occupation of Bagaduce by the British greatly alarmed Boston and neighboring seaports at the prospect of a scarcity of wood; and that men who had made their fortunes by war, for once and for a moment, felt a public spirit, and freely offered their ships to the government. They were careful to have their ships appraised and insured by the state, which of course suffered the loss on the failure of the expedition.

as a base for naval operations. The appeal for naval protection which the inhabitants of Massachusetts now made upon her was a strong one. Towards the close of June the Massachusetts government began concerting with the Continental Navy Board at Boston and with the government of New Hampshire an expedition to capture and destroy this British station. Samuel Adams, who had recently retired from the chairmanship of the Marine Committee of Congress and had returned to Boston furthered the enterprise. To the fleet which was now formed, New Hampshire contributed the *Hampden*, 22; the Navy Board at Boston, the Continental vessels, *Warren*, 32, *Providence*, 12, and *Diligent*, 12; and Massachusetts, the three state brigantines, *Tyrannicide*, 16, *Hazard*, 14, and *Active*, 14, together with thirteen privateers, which were temporarily taken into the state service. These twenty armed vessels mounted in all 324 guns, and were manned by more than 2,000 men. Besides the armed fleet there were twenty transports which carried upwards of 1,000 state militia. The naval forces were under the command of Captain Dudley Saltonstall of the Continental navy; and the troops were commanded by Brigadier-General Solomon Lovell of the state military forces of Massachusetts. Paul Revere was Chief of Artillery with the rank of Lieutenant Colonel.

The assembling, manning, provisioning, and fitting of so many vessels greatly taxed the resources of Massachusetts. The fleet left Boston on July 19, and during the last days of the month it appeared off the Penobscot and attacked Bagaduce with only partial success, failing to take the main fort. Before a second attempt was made a British fleet from New York under the command of Sir George Collier, who had received news of the expedition, appeared in the Penobscot. The British fleet consisted of the *Raisonnable*, 64; *Blonde* and *Virginia*, 32's; *Greyhound*, *Camilla*, and *Gallatea*, 20's; and *Otter*, 14; together with three small vessels at the garrison, the *Nautilus*, 16, *Albany*, 14, and *North*, 14. It mounted 248 guns and carried more than 1600 men. In number of guns and men the advantage lay with the Americans, but in weight of metal and tonnage it was probably with the British. On the morning of August 14 the British fleet came in sight of the American. The two fleets were barely in range of each others guns when the Americans were seized with a panic, and fled with their vessels helter skelter up

the river, pursued by the British. The Americans offered almost no resistance whatever, but ran their ships ashore, set fire to them, and escaped afoot, when not too closely pursued. With the exception of two or three vessels which were captured, the American fleet was annihilated. The British lost 13; the American loss has been placed at 474. The larger part of the American sailors and soldiers returned by woods to New Hampshire and Massachusetts.

The total cost of this expedition to Massachusetts as calculated by the Board of War was £1,739,175. The larger part of this sum £1,390,200 was charged to the account of the navy. It suffered the loss of three state armed vessels and a victualer, nine privateers, and twenty transports. Among the twenty transports, with possibly one exception, was the whole trading fleet of the state. Soon after the disaster a joint committee of the Massachusetts House of Representatives and Council with Artemas Ward as president, held an inquiry and made a report on the causes of the failure of the expedition. In answer to the question, "what appears the principal reason of the failure," the committee decided unanimously, "want of proper Spirit and Energy on the part of the Commodore." A court-martial which was held on the frigate *Deane* in Boston harbor about the first of October found against Captain Saltonstall, and dismissed him from the navy. Rarely has a more ignominious military operation been made by Americans than the Penobscot Expedition. A New Englander with some justice has likened it to Hull's surrender at Detroit. Had it been successful, it would not have been worth the effort it cost. Its object had no national significance; it was an eccentric operation. "Bad in conception, bad in preparation, bad in execution, it naturally ended in disaster and disgrace."⁴⁰

Besides the *Tyrannicide*, *Hazard*, and *Active* the Massachusetts navy lost to the enemy at least three other vessels. Towards the close of 1777 the British captured the *Freedom* and *Inde-*

⁴⁰ Massachusetts Revolutionary Archives, CXLV, 199-203, 350; Weymouth Historical Journal, chapters VII-X, gives the best account of the Penobscot expedition, also contains the Original Journal of General Solomon Lovell kept on the expedition; Massachusetts Historical Society Collections 7th, II, 430; Proceedings of Massachusetts Historical Society 2d, XII, 201-202; Clowes' Royal Navy, IV, 28-29.

pendence. On May 5, 1781, His Majesty's ships *Roebuck*, 44, and *Medea*, 28, captured the *Protector*, 26, with more than one hundred and thirty men on board.⁴⁷ She was added to the Royal Navy as the *Hussar*. In the latter half of 1782 Captain George Little in the *Winthrop* cruised on the Eastern Coast and captured and sent into Boston "nearly the whole of the arm'd force they possessed at Penobscot," thus in part retrieving the naval honor of his state.⁴⁸ Acting under orders of Governor Hancock, Little in the *Winthrop* made the last cruise of the Massachusetts navy when in the winter of 1782-1783 he visited Martinique. On his return, he was fitting for a cruise on the Eastern Coast when about April 1, news of permanent peace arrived. On June 4, 1783, the Commissary-General was directed to sell the *Winthrop*, the last vessel in the navy. The *Tartar* had been sold during the past winter.⁴⁹ Captain Little's accounts were being settled in March, 1785.

In July, 1775, Virginia began to raise and officer an army of more than one thousand men. By the fall of that year Lord Dunmore, the Provincial Governor of Virginia, who in June had retreated to His Majesty's ship *Fowey* at Yorktown, had collected a small flotilla, and had begun a series of desultory attacks upon the river banks of Virginia. On October 25 he was repulsed at Hampton; on December 9 he was beaten by the Virginia patriots at Great Bridge; and on January 1 he burned Norfolk. His movements excited so much alarm that the leading patriot families on the James, York, Rappahannock, and Potomac rivers retreated inland for safety. In order to prevent the depredations of Lord Dunmore, and to provide effectually for the general defence of the state, the Virginia Provincial Convention in December authorized the Committee of Safety of the state to "provide from time to time such and so many armed vessels as they may judge necessary for the protection of the several rivers in this colony, in the best manner the circumstances of the country will admit." The Committee of Safety was further directed to raise a sufficient

⁴⁷ Massachusetts Revolutionary Archives, XXXIX, 45.

⁴⁸ Ibid., CLVIII, 274, Message of Governor Hancock to House of Representatives, February 6, 1783.

⁴⁹ Massachusetts Resolves, June 4, 1783. Those naval vessels which were not captured, destroyed, or sold, were either returned to their owners, when rented, or thrown out of commission and employed in other services.

number of officers, sailors, and marines; and settle their pay, provided certain specified rates were not exceeded. The maximum wage of "the chief commander of the whole as commodore" was fixed at fifteen shillings a day.⁵⁰

Between December, 1775, and July, 1776, the Committee of Safety procured and established a small navy. On April 1 it fixed the naval pay, generally at the maximum rates permitted. Captains in the navy were to receive a daily wage of 8s.; captains of marines, 6s.; midshipmen, 3s.; marines, 1s. 6d. The Committee resolved that two years ought to be a maximum period of service. It appointed a number of the most prominent officers in the Virginia navy, among whom were Captains James Barron, Richard Barron, Richard Taylor, Thomas Lilly, and Edward Travis. It fixed the relative rank between army and navy officers. It purchased the boats *Liberty* and *Patriot*, the brigs *Liberty* and *Adventure*, and the schooner *Adventure*. It contracted for the construction of a number of galleys on the different rivers of the state.⁵¹

George Mason and John Dalton were appointed a committee to build two row-galleys, and buy three cutters for the defence of the Potomac. In April, 1776, Mason wrote that the galleys were well under way, and that three small vessels had been purchased, of which the largest was a fine stout craft of about 110 tons burden, mounting fourteen 8's and 4's, carrying ninety-six men, and named the *American Congress*. A company of marines for this vessel, he said, were being exercised in the use of the great guns.⁵² The Committee of Safety chose a "Lieutenant of Marines in the Potomac river Department."

The Provincial Convention of Virginia, which met at Williamsburg on May 6, 1776, being convinced that the naval preparations would be conducted more expeditiously and successfully if proper persons were appointed to superintend and direct the same, chose a Board of Naval Commissioners consisting of five per-

⁵⁰ Hening, Statutes of Virginia, IX, 83.

⁵¹ Calendar of Virginia State Papers, VIII, 75-240, Journal of Committee of Safety of Virginia, February 7 to July 5, 1776. Virginia had a class of vessels which she referred to as armed boats. They were smart craft, and appear to have been schooner-rigged.

⁵² Miss Rowland's George Mason, I, 214, 218.

sons.⁵³ The Board was authorized to appoint a clerk and assistants, and to elect from its membership a First Commissioner of the Navy, the title of a well-known officer in the English naval service. No member of the Board could sit in the legislature or hold a military office. Each Commissioner was to receive twenty shillings a day, when employed. On the depreciation of the currency this was doubled.⁵⁴ A majority of the Board constituted a quorum. Thomas Whiting served as First Commissioner of the Board throughout its existence.

In general the business of the Navy Board was to "superintend and direct all matters and things to the navy relating." It had charge of the building, purchase, fitting, arming, provisioning, and repairing of all armed vessels and transports. It had charge of the shipyards and the public rope-walk. In case of vacancies in the navy or the marines it recommended officers to the Governor and Council. It could suspend an officer for neglect of duty or for misbehavior. It was to keep itself informed on the state of the navy through reports from the naval officers. It was authorized to draw warrants on the treasury for money expended in the naval department, and to audit the naval accounts.

The Navy Board had charge of naval affairs in Virginia for three years, from the summer of 1776 until the summer of 1779. During 1776 and 1777 vessels were built on the Eastern Shore of Virginia, on the Potomac, Rappahannock, Mattapony, Chickahominy, and James rivers, and at Portsmouth, Gosport, and South Quay. After 1777 vessels were chiefly built at the Chickahominy and Gosport shipyards. No other state owned so much land, property, and manufactories, devoted to naval purposes as Virginia. In April, 1777, the Navy Board purchased 115 acres of land, for £595, on the Chickahominy twelve miles from its confluence with the James.⁵⁵ Virginia's ships found here a safer retreat than at Gosport, which lay convenient for the enemy's

⁵³ Hening, *Statutes of Virginia*, IX, 149-51. The Provincial Convention which met May 6, 1776, adopted a Constitution which provided for a Legislature of two houses, and an Executive consisting of a Governor and a Privy Council of eight members.

⁵⁴ *Ibid.*, 521-22, October session of General Assembly in 1778.

⁵⁵ *Southern Literary Messenger*, 1857, 14. The references to this magazine refer to a series of valuable articles entitled the "Virginia Navy of the Revolution."

ships. It is said that before the Revolution the British had established a marine-yard at Gosport, and named it for Gosport, England, where they had an important dockyard. In some way Virginia came into possession of the shipyard at this place.⁵⁶ Two ships were built for the defence of Ocracoke Inlet, the chief entrance to Albemarle Sound, at South Quay on the Blackwater a few miles north of the North Carolina line.

At Warwick on the James a few miles below Richmond the state built and operated a rope-walk. The state owned a manufactory of sail-duck and a foundry. In July, 1776, four naval magazines were established, one each for the James, York, Rapahannock, and Potomac rivers. For each magazine one or two agents were appointed to collect and issue provisions, ship-supplies, and naval stores.⁵⁷ For the location of the magazine on the Potomac the General Assembly authorized the Navy Board to purchase an acre of land at the head of "Potomack Creek."⁵⁸ In January, 1777, the Navy Board appointed James Maxwell, Naval Agent, to superintend the shipyards, and the building, rigging, equipping, and repairing of the naval vessels. He was to follow the instructions of the Board and keep it informed on the state of the navy.⁵⁹ Maxwell's annual salary was £300, payable quarterly. He lived at the Chickahominy shipyard.

Virginia had a naval staff consisting of pay masters, muster masters, surgeons, and chaplains. The captains and recruiting officers enlisted seamen. Their task was rendered difficult not so much on account of the superior attractions of privateering, as in New England, as because of the small number of seamen resident in the state. The first commodore of the Virginia navy was John Henry Boucher. He was serving as lieutenant in the Maryland navy when in March, 1776, Virginia called him to the command of her Potomac fleet, and soon promoted him to the head of her navy.⁶⁰ He served as commodore for only a few months, resigning in November, 1776. Walter Brooke was commodore from April, 1777, until September, 1778. Brooke's

⁵⁶ E. P. Lull, *History of U. S. Navy Yard at Gosport, Virginia*, 8-11.

⁵⁷ *Journals of Virginia Navy Board*, Virginia State Archives, June 25, June 26, 1776.

⁵⁸ Hening, *Statutes of Virginia*, IX, 235-36.

⁵⁹ *Journals of Virginia Navy Board*, January 7, 1777.

⁶⁰ Maryland Archives, XI, 293-94.

successor, James Barron, was not appointed until July, 1780; he served until the end of the war. The commodore of the navy made his headquarters regularly at or about Hampton, and superintended the armed vessels in that part of the state.⁶¹

In Virginia, as in other states and in the Continental Congress, naval enthusiasm and interest was at its height in 1776. In the fall of that year the Navy Board contracted for the building of twenty-four small transports.⁶² The General Assembly in its October session authorized the Navy Board to construct two frigates of thirty-two guns each, and four large galleys adapted "for river or sea service." For manning these galleys and those already building the Navy Board was empowered to raise thirteen hundred men, exclusive of officers, to serve three years from March 3, 1777. It was to recommend proper officers to the Governor and Council. Having been commissioned by the Governor, the officers were to enlist the crews of their respective galleys. As it would be impossible to secure a sufficient number of experienced seamen, it was provided that each crew should consist of three classes of men: able seamen, at a daily wage of 3s.; ordinary seamen, at 2s.; and common landmen, at 1s. 6d. As the men in the second and third classes became proficient, they were to be promoted. Every recruit was given a bounty of \$20.⁶³

The Provincial Convention in its December session in 1775 erected a Court of Admiralty consisting of three judges to enforce the Continental Association against trading with England. In its May session in 1776 it gave this court jurisdiction over all captures of the enemy's vessels. The General Assembly at its October session in 1776 superseded all previous admiralty legislation by an "Act for Establishing a Court of Admiralty." Such court was to consist of three judges elected by joint ballot of the two houses of the General Assembly. They were to hold their offices "for so long a time as they shall demean themselves well therein." The court, which was to be held at some place to be fixed by the General Assembly, was to have cognizance of "all

⁶¹ Journals of Virginia Navy; State Navy Papers, I; Southern Literary Messenger, 1857, 3.

⁶² Journal of Virginia Navy Board, September-October, 1776.

⁶³ Hening, Statutes of Virginia, IX, 196-97. In August, 1776, the Navy Board drew up a list of naval rules which were endorsed by the Governor and Council. Journals of Virginia Navy Board, August 2, 1776.

causes heretofore of admiralty jurisdiction in this country." Its proceedings and decisions were to be governed by the regulations of the Continental Congress, the acts of the General Assembly of Virginia, the English Statutes prior to the fourth year of the reign of James; and by the laws of Oleron and the Rhodian and Imperial laws, so far as they have been heretofore observed in the English courts of admiralty. In cases relating to captures from a public enemy with whom the United States should be at war, and in which a conflict should arise between the regulations of Congress and the acts of the General Assembly, the regulations of Congress should take precedence; in all other cases of conflict the acts of Virginia were to prevail. This provision is of particular interest. It is one of the first instances in which a state recognized the superiority of federal law when in conflict with state law. Virginia was liberal in granting appeals to Congress, as she permitted them in all cases of capture of the enemy's vessels.⁶⁴

The Admiralty Court of Virginia had few prize cases. Governor Thomas Jefferson in writing to the President of Congress in June, 1779, no doubt understates the truth when he says that "a British prize would be a more rare phenomenon here than a comet, because one has been seen, but the other never was." His state, he said, had long suffered from a lack of blank letters of marque, and he wished fifty to be sent to him.⁶⁵ Virginia did not establish state privateering, but followed the regulations of Congress on this subject. Because of the lack of seamen and the continual presence of the enemy's vessels at the mouths of the Virginia rivers, the privateering interest was not important in this state.

The Navy Board superintended both the trading and armed vessels of the state until April, 1777, when the trading vessels were placed in charge of William Aylett.⁶⁶ Writers on the Virginia navy have not as a rule distinguished one class of vessels from the other, nor is it always easy to do so. During 1776 seven vessels were employed chiefly in commerce.⁶⁷ In the fall

⁶⁴ Hening, Statutes of Virginia, IX, 103, 131-32, 202-08.

⁶⁵ Ford, Writings of Thomas Jefferson, II, 241-43.

⁶⁶ Journals of Virginia Navy Board, April 8, 1777.

⁶⁷ These vessels were the brig *Adventure*, the schooners *Hornet*, *Peace* and *Plenty*, *Revenge*, and *Speedwell*, sloop *Agatha*, and armed boat *Molly*. The lists of vessels here given were compiled from the Virginia naval archives.

most of them were ordered to the West Indies with cargoes of flour and tobacco; one, the brig *Adventure*, was directed to proceed to Dunkirk, France. The armed fleet for 1776 consisted of sixteen small craft adapted chiefly for service in the rivers of Virginia and in Chesapeake Bay.⁶⁸ In 1777 the galleys *Accomac* and *Diligence* were built and stationed on the Eastern Shore; and the ships *Caswell* and *Washington* were built at South Quay on the Blackwater for the defence of Ocracoke Inlet, which Virginia was undertaking jointly with North Carolina. Besides these four vessels, two brigs, one armed boat, and the ships *Gloucester*, *Protector*, *Dragon*, and *Tartar* were this year added to the navy. In 1778 an armed boat and the ships *Tempest* and *Thetis* were built; and in 1779 two armed boats, the brig *Jefferson*, and the ship *Virginia* were added.⁶⁹

This fleet is formidable only in its enumeration. It was poorly armed, incompletely manned, and in almost every respect illfitted for service. But few of its vessels went beyond Chesapeake Bay. It showed most activity during 1776 and the spring of 1777. From 1775 until 1779 fifteen small prizes were captured. In May, 1776, Captain Taylor seized four small merchantmen; in June one of the Barrons brought up to Jamestown the transport *Oxford* with 220 Highlanders on board; in the spring of 1777 the *Mosquito*, Captain Harris, carried into St. Pierre the ship *Noble* valued at 75,000 livres; and a few months earlier the brig *Liberty* captured the ship *Jane* whose cargo of West India goods were valued at £6,000. These were the most fortunate captures made by the Virginia navy.⁷⁰

⁶⁸ These vessels were the galleys *Henry*, *Hero*, *Lewis*, *Manly*, *Norfolk*, *Revenge*, *Page*, and *Safeguard*; the brigs *Liberty*, *Mosquito*, *Northampton*, and *Raleigh*; the schooners *Liberty* and *Adventure*; the sloop *Scorpion*, and the armed boats *Liberty* and *Patriot*. The schooner *Liberty* was taken into the trading fleet as the *Hornet*. It is believed that this list does not contain the vessels in Mason's Potomac fleet.

⁶⁹ The names of the vessels not mentioned in the text which were added during 1777, 1778, and 1779 were the brigs *Greyhound* and *Hampton*, and the armed boats *Nicholson*, *Experiment*, *Dolphin*, and *Fly*. The names of several other vessels, which were probably used in trade, occur during this period. Some of the ships are at times referred to as galleys.

⁷⁰ Files of Virginia Gazette; Journals of Virginia Convention, May 8, 1776; Virginia Historical Register, I, 77; Calendar of Virginia State Papers, III, 365.

Virginia's naval craft met with the usual misfortunes. During the first half of 1777 His Majesty's ship *Ariadne* captured the *Mosquito*. About the same time the frigate *Phoenix* took the *Raleigh*. The British made two raids into Virginia which were destructive to both the shipping of the state and private individuals. The first was ordered by Clinton in the spring of 1779, the troops being under the command of Matthews and Collier. At the Gosport shipyard they destroyed five uncompleted vessels, three of which were frigates, besides a large quantity of masts, yards, timber, plank, iron, and other ship's stores. The shipyards on the Nansemond were looted; and twenty-two vessels with a considerable quantity of powder were taken or destroyed on the "South Branch of the Navy." Suffolk was burned and upwards of two thousand barrels of Continental Pork and fifteen hundred barrels of flour were destroyed. In all one hundred and thirty vessels were burned.⁷¹ The raid of Arnold and Phillips will be considered later.

The General Assembly at its May session, 1779, discontinued the Navy Board and vested its strictly naval duties with a newly created Board of War consisting of five members. The Board of War was empowered to appoint a Naval Commissioner. A Board of Trade was now given charge of the trading vessels of the state and of the state manufactories of military supplies.⁷²

The General Assembly in its May session, 1780, "for the purpose of introducing economy into all the various departments of government, and for conducting the publick business with the greatest expedition" abolished the Boards of War and Trade, and authorized the Governor to appoint a Commissioner of the War, a Commercial Agent, and coordinate with these two a Commissioner of the Navy. This act is properly regarded as the outgrowth of the same movement for economy and efficiency in administration, which resulted in the establishment in January and February, 1781, of single-headed departments of the Continental Congress. The salary of the Commissioner of the Navy was fixed at thirty thousand pounds of tobacco a year, and that of his clerk at ten thousand pounds.⁷³ The Commissioner was

⁷¹ Almon's Remembrancer, 1779, 289-95, account given by British officers; Records of State of North Carolina, XIV, 85-86, 94-95. Some of the vessels destroyed at Gosport probably belonged to Congress.

⁷² Henning, Statutes of Virginia, X, 15-18, 123.

⁷³ Ibid., 278, 291-92.

to be under the "controul and direction of the governour and council." Governor Jefferson appointed James Maxwell, the naval agent under the Navy Board, Commissioner of the Navy.

At the October session of this year, moved by its need for money and the impossibility of fitting out the whole fleet, the General Assembly, ordered the governor to sell nine of the armed vessels and to equip and man the remaining six with all diligence. For some reason the governor did not carry out the order. There was probably little market for the vessels.

The General Assembly in the May session of 1779, as an inducement to enlistment, granted seamen and marines additional bounties and pensions. Recruits entering for the rest of the war were now to receive \$750 and one hundred acres of land. They were to be furnished upon enlistment, and once a year thereafterwards, with a complete suit of clothes. Naval officers were entitled to a "grant of the like quantity of lands as is allowed officers of the same rank in the Virginia regiments on continental establishment." Disabled sailors and the widows of the slain were entitled to immediate relief and an annual pension.⁷⁴

The years 1780 and 1781 were marked by a renewed naval activity in Virginia. It is recalled that the theater of war had now shifted to the Southern states. Savannah was in the hands of the enemy. Charleston surrendered in May, 1780. By the fall of 1780 the lowlands of the states to the south of Virginia were generally in the possession of the British. Apparently Virginia would be the next to feel the rough hand of the conquering enemy. British privateers and naval craft lay off the mouths of the Virginia rivers and captured all the vessels that ventured towards the Bay or the sea. Early in 1780 it was apprehended that the enemy meditated an invasion of the coasts of the state.

When the General Assembly met in May, 1780, it at once took measures for the protection of the coasts. It passed "an act for putting the eastern frontier of this commonwealth into a posture of defence." This act after providing for calling out the militia in the seaport counties, ordered the Governor and Council to direct the Commissioner of the Navy to immediately make ready for service in the Bay and on the seacoast the ships *Thetis*, *Tempest*, and *Dragon*, the brig *Jeffer-*

⁷⁴ Hening, IX, 537; X, 23-24, 217.

son, and the galleys *Henry*, *Accomac*, and *Diligence*. Three hundred marines to be commanded by five captains and fifteen lieutenants were to be recruited. Marines and sailors who enlisted for three years were to receive a bounty of \$1,000. Naval officers were put on the same footing in regard to pay, rations, and privileges as officers of the same rank in the land service.⁷⁵

When the Legislature came together in October, 1780, the situation being still more critical, it was moved to pass an additional act for the defence of the seacoast. This act shows that the navy was in sore need for seamen and money and it provided drastic measures to secure both. Naval officers were now authorized, under certain restrictions and limitations, to impress seamen. The eastern counties of the state were directed to bind to the sea "under the most prudent captains that can be procured to take them" one-half of all orphans of certain descriptions living below the falls of the Virginia rivers. A hospital for seamen was established at Hampton to be maintained by a tax of nine pence a month on the salaries of all mariners and seamen in either the navy or the merchant service of the state. Officers and seamen were given the whole of their captures; and still other inducements to enlistment, by way of pay and clothing, were held out.

Two new galleys of the same construction as those built by Congress in 1776 carrying two 32's at the bow and at the stern, and 6's at the sides, were ordered for the defence of the Chesapeake. Five vessels of the state fleet were to be immediately made ready for service; and all the other naval vessels were to be sold and the proceeds devoted to naval purposes. For the use of the navy import duties were laid upon rum, gin, brandy, and other spirits; on wine, molasses and sugar; and on all imported dry goods, except salt, munitions of war, and iron from Maryland. Tonnage was laid upon merchant vessels. Despite these efforts few seamen and little money were raised, and the fleet during 1780, accomplished almost nothing.⁷⁶ ✓ 70

The salient event in the history of the Virginia navy in 1781 was the invasion of Arnold and Phillips during the first half of the year. Arnold was first reported on the coast of Virginia on December 29, 1780, when his fleet consisting of twenty-seven sail

⁷⁵ Hening, X, 296-99.

⁷⁶ Hening, X, 379-86.

was seen at Willoughby Point.⁷⁷ Governor Jefferson began at once to make strenuous efforts to get the Virginia fleet in condition to oppose Arnold. The rôle of Admiral was an odd one for Jefferson. In February, he sent Benjamin Harrison, Speaker of the Virginia House of Delegates to Philadelphia to obtain from the French minister the aid of the French fleet.⁷⁸ A half dozen or more privateers were taken into the service of the state. Twelve vessels of the state fleet of 1776-1779 still remained. Most if not all of these vessels were either at the Chickahominy shipyard and nearby on the James, or else at the mouth of the James. Few of these vessels were sufficiently manned to render much service. On April 26, Maxwell reported 78 men on board seven vessels, whose complement was 520. Other vessels had neither arms nor men.⁷⁹

In April, 1781, Arnold and Phillips made their raid up the James, penetrating as far as Richmond. On April 21 and 22 a detachment under Lieutenant-Colonel Abercrombie destroyed the shipyard on the Chickahominy, including a number of naval craft and the warehouses. On April 27 at Osbornes, on the James a few miles below Richmond the Virginia fleet supported by two or three hundred militia upon the shore opposite the British army, drew up to oppose the enemy. It consisted of six ships, eight brigs, five sloops, two schooners, and a number of smaller craft. Its chief vessels were the *Tempest*, 16; *Renown*, 16; and *Jefferson*, 14. The British sent a flag of truce to the Commodore of the Virginia fleet proposing to treat with him for its surrender. He sent back the spirited reply that "he was determined to defend it to the last extremity." A few cannon planted on the shore soon gave the enemy a command of the situation. After a short engagement the Virginians scuttled or set fire to a number of their vessels and fled to the opposite shore. None of the fleet escaped. The British captured twelve vessels, which the Virginians had been unable to destroy. The British burnt the state rope-walk at Warwick. After the raid of Phillips, but one vessel remained in the Virginia navy, the armed boat *Liberty*.⁸⁰

⁷⁷ Ford, Writings of Jefferson, II, 392.

⁷⁸ *Ibid.*, 443-44.

⁷⁹ Virginia Calendar of State Papers, I, 588; II, 74.

⁸⁰ Almon's Remembrancer, 1781, II, 62-63. Arnold to Clinton, Petersburg, May 12, 1781.

The officers and seamen of the Virginia navy, thrown out of employment by the loss of their fleet, aided the allied forces at the siege of Yorktown in collecting supplies and transporting troops. The boat *Liberty* was used as a transport; and also the ships *Cormorant*, *Loyalist*, and *Oliver Cromwell*, which three vessels it is believed Virginia purchased for this purpose. Soon after the surrender of Cornwallis, the Virginia General Assembly, recognizing that "during the continuance of the present expensive war it is necessary to husband the resources of the state with the utmost economy," dismissed almost all of the officers and seamen, the Commissioner of the Navy, the chaplains, surgeons, paymasters, and all others on the naval staff.⁸¹

A number of times during the Revolution and now for the last time in 1782, Virginia and Maryland undertook to concert a naval defence of their trade in the Chesapeake. The General Assembly of Virginia, which met in May, 1782, appointed three commissioners to superintend the work of protecting the Bay. The *Cormorant* and *Liberty* were to be immediately prepared for this service. Two galleys and two barges or whaleboats were to be built. For this work the state appropriated the proceeds arising from the sale of the *Loyalist*, £1000, and certain tonnage and duties. The Commissioners were to fix the pay and subsistence of the seamen; the fleet was not to be sent outside of the Capes.⁸²

The Commissioners managed a small naval force during 1782 and 1783 until the war came to an end. Commodore Barron, stationed at Hampton, was chiefly occupied with the exchanging of prisoners. Beyond the building of a few naval craft, it does not appear that this final naval enterprise of Virginia was attended with fruitful results. When peace was declared in the spring of 1783 the Commissioners had in different stages of construction, the schooners, *Harrison*, *Fly*, and *Patriot* and the barges *York* and *Richmond*. Virginia now disposed of all of her fleet except the *Liberty* and *Patriot*, which she retained as revenue cutters.⁸³ In order to keep these two armed vessels in time of peace Vir-

⁸¹ Hening, Statutes of Virginia, X, 450; Virginia Navy Papers, I and II.

⁸² Hening, Statutes of Virginia, XI, 42-44. In March, 1783, the three Commissioners were Paul Loyall, Thomas Brown, and Thomas Newton, Jr.—Virginia Calendar of State Papers, III, 456.

⁸³ Virginia Navy Papers, II.

ginia in accordance with a provision in the Articles of Confederation, obtained permission from Congress.⁸⁴ These two boats were still in the employ of the state in 1787. The *Liberty* saw more service than any other state or Continental vessel of the Revolution. She was in the employ of Virginia from 1775 until 1787.

⁸⁴ Journals of Continental Congress, October 3, 1783.

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